

House File 732

H-1073

1 Amend House File 732 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 124E.2, subsection 2, paragraphs b and
5 i, Code 2019, are amended to read as follows:

6 b. Multiple sclerosis with ~~severe and persistent muscle~~
7 ~~spasms~~.

8 i. ~~Untreatable pain~~ Severe or chronic pain.

9 Sec. 2. Section 124E.2, subsection 2, Code 2019, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. j. Glaucoma.

12 NEW PARAGRAPH. k. Hepatitis C.

13 NEW PARAGRAPH. l. Ehlers-Danlos syndrome.

14 NEW PARAGRAPH. m. Post-traumatic stress disorder.

15 NEW PARAGRAPH. n. Tourette's syndrome.

16 NEW PARAGRAPH. o. Muscular dystrophy.

17 NEW PARAGRAPH. p. Huntington's disease.

18 NEW PARAGRAPH. q. Alzheimer's disease.

19 NEW PARAGRAPH. r. Complex regional pain syndrome.

20 NEW PARAGRAPH. s. Rheumatoid arthritis.

21 NEW PARAGRAPH. t. Trigeminal neuralgia.

22 NEW PARAGRAPH. u. Polyarteritis nodosa.

23 NEW PARAGRAPH. v. Any other medical condition for which
24 the patient's health care practitioner determines the use of
25 medical cannabidiol could be medically beneficial pursuant to
26 rules of the board licensing the health care practitioner.

27 Sec. 3. Section 124E.2, subsection 5, Code 2019, is amended
28 to read as follows:

29 5. "*Health care practitioner*" means an individual licensed
30 under [chapter 148](#) to practice medicine and surgery or
31 osteopathic medicine and surgery, a physician assistant
32 licensed under chapter 148C, or an advanced registered nurse
33 practitioner licensed under chapter 152 or 152E, who is a

34 patient's primary care provider. ~~"Health care practitioner"~~
35 ~~shall not include a physician assistant licensed under chapter~~

1 ~~148C or an advanced registered nurse practitioner licensed~~
2 ~~pursuant to chapter 152 or 152E.~~

3 Sec. 4. Section 124E.2, subsection 6, Code 2019, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 6. "*Medical cannabidiol*" means any species of the genus
7 cannabis plant, or any mixture or preparation of them,
8 including whole plant extracts and resins.

9 Sec. 5. Section 124E.2, subsection 8, Code 2019, is amended
10 by striking the subsection.

11 Sec. 6. Section 124E.3, subsection 1, Code 2019, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. c. For a certification issued under section
14 124E.2, subsection 2, paragraph "v", determine whether the
15 certification would comply with rules of the board licensing
16 the health care practitioner, and if so, provide written
17 documentation to that effect to the patient.

18 Sec. 7. Section 124E.4, subsection 1, Code 2019, is amended
19 to read as follows:

20 1. a. *Issuance to patient.* Subject Except as otherwise
21 provided in paragraph "b", and subject to subsection
22 7, the department may approve the issuance of issue a
23 medical cannabidiol registration card by the department of
24 transportation to a patient who:

25 a. (1) Is at least eighteen years of age.

26 b. (2) Is a permanent resident of this state.

27 c. (3) Submits a written certification to the department
28 signed by the patient's health care practitioner that the
29 patient is suffering from a debilitating medical condition.

30 d. (4) Submits an application to the department, on a form
31 created by the department, ~~in consultation with the department~~
32 ~~of transportation,~~ that contains all of the following:

33 (1) (a) The patient's full name, Iowa residence address,
34 date of birth, and telephone number.

35 (2) (b) A copy of the patient's valid photograph

1 identification.

2 ~~(3)~~ (c) Full name, address, and telephone number of the
3 patient's health care practitioner.

4 ~~(4)~~ (d) Full name, residence address, date of birth, and
5 telephone number of each primary caregiver of the patient, if
6 any.

7 ~~(5)~~ (e) Any other information required by rule.

8 ~~e.~~ (5) Submits a medical cannabidiol registration card
9 fee of one hundred dollars to the department. If the patient
10 attests to receiving social security disability benefits,
11 supplemental security insurance payments, or being enrolled in
12 the medical assistance program, the fee shall be twenty-five
13 dollars.

14 ~~f. Has not been convicted of a disqualifying felony offense.~~

15 b. Issuance to hospice patient. Subject to subsection 7,
16 the department may issue a medical cannabidiol registration
17 card to a patient who provides documentation to the department,
18 on a form prescribed by the department, that the patient is
19 receiving inpatient hospice care in this state.

20 Sec. 8. Section 124E.4, subsection 2, unnumbered paragraph
21 1, Code 2019, is amended to read as follows:

22 A medical cannabidiol registration card issued to a patient
23 by the department ~~of transportation~~ pursuant to [subsection 1](#)
24 shall contain, at a minimum, all of the following:

25 Sec. 9. Section 124E.4, subsection 3, unnumbered paragraph
26 1, Code 2019, is amended to read as follows:

27 For a patient in a primary caregiver's care, subject to
28 subsection 7, the department may ~~approve the issuance of~~ issue
29 a medical cannabidiol registration card ~~by the department of~~
30 ~~transportation~~ to the primary caregiver who:

31 Sec. 10. Section 124E.4, subsection 3, paragraph b,
32 unnumbered paragraph 1, Code 2019, is amended to read as
33 follows:

34 Submits an application to the department, on a form created
35 by the department, ~~in consultation with the department of~~

1 ~~transportation~~, that contains all of the following:

2 Sec. 11. Section 124E.4, subsection 4, unnumbered paragraph
3 1, Code 2019, is amended to read as follows:

4 A medical cannabidiol registration card issued by the
5 department of ~~transportation~~ to a primary caregiver pursuant to
6 subsection 3 shall contain, at a minimum, all of the following:

7 Sec. 12. Section 124E.4, subsection 6, Code 2019, is amended
8 by striking the subsection.

9 Sec. 13. Section 124E.5, subsection 1, paragraph a, Code
10 2019, is amended to read as follows:

11 a. A medical cannabidiol board is created consisting of
12 eight practitioners representing the fields of neurology, pain
13 management, gastroenterology, oncology, psychiatry, pediatrics,
14 family medicine, and pharmacy, ~~and~~ one representative from law
15 enforcement, and three patients with valid medical cannabidiol
16 registration cards.

17 Sec. 14. Section 124E.5, subsection 2, Code 2019, is amended
18 to read as follows:

19 2. The medical cannabidiol board shall convene at least
20 twice but no more than ~~four~~ six times per year.

21 Sec. 15. Section 124E.5, subsection 4, Code 2019, is amended
22 to read as follows:

23 4. Recommendations made by the medical cannabidiol board
24 pursuant to subsection 3, paragraphs "b" and "e", shall be made
25 to the ~~board of medicine department~~ department for consideration, and if
26 approved, shall be adopted by the ~~board of medicine department~~
27 by rule.

28 Sec. 16. Section 124E.7, Code 2019, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 13. A medical cannabidiol manufacturer may
31 deliver medical cannabidiol to a patient at the patient's Iowa
32 residence pursuant to rules of the department.

33 Sec. 17. Section 124E.8, subsection 1, paragraph a, Code
34 2019, is amended to read as follows:

35 a. The department shall issue a request for proposals

1 to select and license by April 1, ~~2018~~ 2020, up to five
2 thirty medical cannabidiol dispensaries to dispense medical
3 cannabidiol within this state consistent with the provisions
4 of this chapter. The department shall license new medical
5 cannabidiol dispensaries or relicense the existing medical
6 cannabidiol dispensaries by December 1 of each year.

7 Sec. 18. Section 124E.11, subsection 1, paragraph b,
8 subparagraph (1), subparagraph division (a), Code 2019, is
9 amended to read as follows:

10 (a) To authorized employees or agents of the department and
11 ~~the department of transportation~~ as necessary to perform the
12 duties of the department ~~and the department of transportation~~
13 pursuant to this chapter.

14 Sec. 19. Section 124E.11, subsection 2, paragraph c, Code
15 2019, is amended to read as follows:

16 c. Establish the form and quantity of medical cannabidiol
17 allowed to be dispensed to a patient or primary caregiver
18 pursuant to this chapter as appropriate to serve the medical
19 needs of patients with debilitating medical conditions, subject
20 to recommendation by the medical cannabidiol board and approval
21 by the ~~board of medicine~~ department.

22 Sec. 20. Section 124E.11, subsection 2, paragraph i, Code
23 2019, is amended to read as follows:

24 i. Establish and implement a medical cannabidiol inventory
25 and delivery tracking system to track medical cannabidiol
26 from production by a medical cannabidiol manufacturer through
27 dispensing at a medical cannabidiol dispensary or delivery to a
28 patient at the patient's Iowa residence.

29 Sec. 21. Section 124E.11, subsection 2, Code 2019, is
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. j. Establish the circumstances under
32 which a medical cannabidiol manufacturer may deliver medical
33 cannabidiol to a patient at the patient's Iowa residence.

34 Sec. 22. Section 124E.12, subsection 6, Code 2019, is
35 amended to read as follows:

1 6. ~~The department, the department of transportation,~~ and
2 ~~any health care practitioner~~ person licensed, registered, or
3 certified by an entity listed in section 272C.1, including any
4 authorized agent or employee thereof, are not subject to any
5 civil or disciplinary penalties by the board of medicine or
6 any business, occupational, or professional licensing board or
7 entity, solely for activities conducted relating to a patient's
8 possession or use of medical cannabidiol as authorized under
9 this chapter. Such an entity shall not subject a licensed,
10 registered, or certified person to discipline relating to
11 a patient's possession or use of medical cannabidiol as
12 authorized under this chapter. Nothing in **this section** affects
13 a professional licensing board from taking action in response
14 to violations of any other section of law.

15 Sec. 23. Section 124E.12, subsection 7, Code 2019, is
16 amended to read as follows:

17 7. Notwithstanding any law to the contrary, the department,
18 ~~the department of transportation,~~ the governor, or any employee
19 of any state agency shall not be held civilly or criminally
20 liable for any injury, loss of property, personal injury, or
21 death caused by any act or omission while acting within the
22 scope of office or employment as authorized under **this chapter**.

23 Sec. 24. TRANSITION PROVISIONS. A medical cannabidiol
24 registration card issued prior to July 1, 2019, remains
25 effective and continues in effect as issued for the
26 twelve-month period following its issuance.>

SHIPLEY of Jefferson